

PDC Interpretation

APPROVAL DATE:	December 4, 2001	NUMBER:	01-04
STATUS:	Effective December 4, 2001	SUPERSEDES:	01-01
REFERENCES:	RCW 42.17.710	APPROVED BY:	The Commission

SEE ALSO: WAC 390-17-400; WA State Supreme Court Decision in SRCC v PDC, 133 Wn.2d 229, 943 P. 2d 1358 (1997); and Interp. 95-05 (Fund raising Through 900 Telephone Numbers)

Participation in Fund Raising Events by State Officials During Legislative Freeze Period

State Law prohibits a state elected official (or a person employed by or acting on behalf of a state elected official), during the legislative session freeze period, from soliciting or accepting contributions to a public office fund, to a candidate or authorized committee, or to retire a campaign debt. RCW 42.17.710.

At its meeting on February 20, 1996, by adopting Interpretation 96-01 the Commission clarified the application of this prohibition to certain fund raising activities. However, since adoption of that interpretation, the Washington State Supreme Court issued its decision in Senate Republican Campaign Committee v. PDC [133 Wn.2d 229, 943 P. 2d 1358 (1997)] and the Commission amended its rule, WAC 390-17-400, implementing RCW 42.17.710 in 1998. The Commission revisited this session freeze fund raising issue at its April 2001 meeting and amended its earlier interpretation accordingly.

Legislators or Other State Elected Officials Attending an Event Held by a Local Office Candidate (Who is not a State Official) or State Office Candidate (Who is not a State Official):

- 1) Section .710 does not prohibit a state official's mere attendance at a fund raiser held by a candidate who is not subject to section .710, but the official may not solicit or accept any contributions in connection with the fund raiser. If the candidate distributes notice about the event and, as part of that notice, merely

indicates that a state official will be in attendance, such reference on its own does not mean that the official has solicited or accepted contributions for the candidate.

- 2) The state official may receive complimentary admission from the candidate so long as he or she is there to show support for the candidate and his or her attendance does NOT assist his or her own campaign. If there is any doubt about whether the official's own campaign is assisted, the official is advised to pay the standard admission charge out of personal funds [otherwise free admission would result in the official receiving a contribution prohibited by .710 and .095(8)].
- 3) Except as qualified in #2 above, complimentary admission is not reportable by the elected official.

Legislators or Other State Elected Officials Attending a Traditional Party Event:

- 4) Section .710 does not prohibit an official from speaking at or attending a party fund raiser so long as no funds raised at the event are earmarked or otherwise designated for any incumbent state official or known candidate, for an official's public office fund or for retiring an official's campaign debt.
- 5) State officials may only solicit or accept contributions on behalf of the party (e.g., sell tickets to a party fund raiser) if the money raised is deposited into a separate bank account and not spent for the benefit of incumbent state officials or known candidates. WAC 390-17-400(12). If the party distributes notice about a fund raising event and, as part of that notice, merely indicates that a state official will be in attendance, such reference on its own does not mean that the official has solicited or accepted contributions for the party.
- 6) An official may receive complimentary admission to the event from the party so long as the official is present to show party support and loyalty, and the official does not receive endorsements, travel or other things of value to a candidate. (Officials may be admitted free-of-charge in order that they may assist the party, as opposed to the party assisting the candidates.)
- 7) Complimentary admission is not reportable by an official unless admission constitutes a contribution as discussed in #6.

Legislators or Other State Elected Officials Attending a PAC Event:

- 8) Section .710 does not prohibit an official from attending a PAC fund raiser. Officials must use personal funds to pay the standard donation or admission charge.

- 9) Depending upon the circumstances, complimentary admission would constitute either a gift (that may not be permissible under the Ethics Law) or a campaign contribution that is prohibited by RCW 42.17.710. [Note: Complimentary admission of candidates who are not state officials by a PAC to its fund raiser is an in-kind contribution valued at the price of admission, reportable by both the donor and the candidate, and subject to limit.]
- 10) State officials may solicit or accept contributions on behalf of a political committee that supports or opposes state or local office candidates only if the contributions are deposited by the committee into a separate bank account and not spent for the benefit of incumbent state officials or known candidates. WAC 390-17-400(12)
- 11) State officials may solicit or accept contributions on behalf of a ballot measure committee so long as that committee does not spend the contributions for the benefit of incumbent state officials or known candidates. WAC 390-17-400(7)